



Indiana Judicial Nominating Commission  
30 South Meridian Street  
Suite 500  
Indianapolis, IN 46204  
(317) 232-4706

**APPLICATION**

**FOR THE**

**INDIANA SUPREME COURT**

**(SEE INSTRUCTIONS)**

**Deadline – Wednesday, June 30, 2010**

I. Provide your:

A. Full legal name and any former names.

**Geoffrey G. Slaughter**

B. Current home and office addresses, including email addresses and telephone numbers.

**Home:**

**Office: Taft Stettinius & Hollister LLP  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204-2023  
(317) 713-3606**

C. Date and place of birth.

**November 1, 1962; Gary, Lake County, Indiana (Methodist Hospital)**

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

**At Ms. Meiring's request, I submitted the State Police release form on June 23, 2010, before filing my application.**

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

**A photograph is attached to the front of each application.**

- III. A. State in what county you currently reside and since what date.

**Marion County (since 2002)**

- B. List all previous counties of residence, with dates.

**Lake County (from 1962 to 2002)**

- C. When were you admitted to the Indiana Bar?

**May 1995**

- D. Are you currently on active status?

**Yes, active since 1995**

- E. What is your attorney number?

**18332-45**

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
<b>Indiana University-Bloomington</b>	<b>1981-85</b>	<b>Bachelor of Arts (Economics)</b>

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
<b>Indiana University Maurer School of Law</b>	<b>1985-89</b>	<b>Doctor of Jurisprudence (top 15%)</b>

Indiana University  
Kelley School of  
Business

1985-89

Master of Business  
Administration  
(Finance)\*

\*The Kelley School maintains class rankings only for the top 20 percent of the class.

Attached is my complete transcript from Indiana University (Tab A).

C. Describe any academic honors, awards, and scholarships you received and when.

Crown Point High School

Co-Valedictorian (1981)

Indiana University-Bloomington

Outstanding Freshman Latin Student (1982)

Elected to *Phi Beta Kappa* (1984)

Christensen Memorial Scholarship in Economics (1985)

Graduated with High Honors and Departmental Honors (1985)

Indiana University Maurer School of Law

Articles Editor, *Indiana Law Journal* (1988-89)

Graduated *Cum Laude* (1989)

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Law Clerk, Honorable James E. Letsinger, Lake Superior Court, Criminal Division, Crown Point (Summer 1986)

Summer Associate, Kirkland & Ellis, Chicago (Summer 1988, 1989)

Law Clerk, Honorable Allen Sharp, Chief Judge, United States District Court, Northern District of Indiana, South Bend (1989-91)

Associate, Kirkland & Ellis, Chicago (1991-95)

Special Counsel to Attorney General of Indiana, Indianapolis (1995-2001)

Partner, Sommer Barnard PC, Indianapolis (2001-08)

Partner, Taft Stettinius & Hollister LLP, Indianapolis (2008-present)

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

After graduating from law school in 1989, I had the privilege of clerking for two years at the right hand of a seasoned, experienced federal district judge, Chief Judge Allen Sharp, in South Bend. It was an enormously rewarding experience both personally and professionally. In Judge Sharp I had a lifelong mentor and friend. Sadly, Judge Sharp passed away last year after a lengthy illness. I served in Judge Sharp's chambers with co-clerks Ann Cassidy Bernard, Alan Anderson, Dana Childress-Jones, and Katherine Mull-Carter.

After my clerkship, I spent four years with the Chicago-based law firm of Kirkland & Ellis as a litigation associate. I worked on antitrust matters, particularly in the health-care area; large, complex commercial cases; bankruptcy matters; and appellate cases. I particularly enjoyed the appellate work and decided then that is what I wanted to do professionally. I learned quickly, however, that young lawyers in large firms do not get many opportunities to argue before state or federal appellate courts. Among the lawyers I worked with were Andrew Running, Lise (pronounced Lisa) Spacapan, and James Sprayregen.

In 1995, I left Chicago for what I thought would be a one- or two-year stint working on appellate cases for the Indiana Attorney General. After only a few months in my new position, I realized that I missed the large law-firm setting less than I had expected, and I enjoyed working in state government more than I had expected. All told, I would spend the next six years as special counsel to the Attorney General and on several occasions led a team of lawyers charged with devising and implementing litigation strategy in important appellate cases. Within the first two years, I was "first chair" on several high-profile cases and had the opportunity to argue before the Indiana Supreme Court, the Indiana Court of Appeals, and twice before the *en banc* Seventh Circuit Court of Appeals in Chicago. During my tenure in the office, I worked on death-penalty cases, was the Attorney General's designee to review rules promulgated by state administrative agencies for form and legality, handled antitrust-enforcement matters, and worked on the prosecution and eventual fifty-state settlement of the State's claims against the tobacco industry. In addition, I had the privilege of serving three different Attorneys General—Pamela Carter, Jeffrey Modisett, and Karen Freeman-Wilson. Although I am a life-long Republican, these Democratic officeholders could not have been more trusting and kind to me as a deputy charged with carrying out the office's legal responsibilities. I will always be grateful for the professional opportunities they gave me. Furthermore, I had the good fortune to work closely, and amicably, with several superb colleagues, including Arend Abel, Scott Chinn, Jon Laramore, and Dennis Lee. Although we did not always see eye to eye politically, they became and remain good friends.

Most important, I met the woman who would become and now is my wife,

In 2001, I returned to private practice with the Sommer Barnard law firm in Indianapolis. I became acquainted with Sommer Barnard because they served as principal outside counsel for the State's tobacco litigation. I was attracted to the firm because I found their lawyers to be both first-rate professionals and exceptional people—an all-too-rare combination among law firms these days. The lawyers work hard, but they also place a high value on family and life outside the office. I consider myself very fortunate to have found a niche practice area that suits my interests and aptitude, along with the chance to work with really smart people. I have what is essentially an “appellate-type” practice, even when litigating in the trial courts. I spend at least half of my time on actual appellate cases. And the other half is spent researching and writing briefs before trial courts. Sommer Barnard merged with Cincinnati-based Taft Stettinius & Hollister in 2008. The transition has been seamless for my practice. I am now in my tenth year with the firm. Among the lawyers I have worked with at Sommer Barnard/Taft are Edward Harris, James Strain, Linda Pence, Gordon Pittenger, Frank Deveau, Robert Clark, Thomas Barnard, Michael Terrell, Steven Shockley, Gayle Reindl, David Hensel, Debra Lynch, William Wagner, Michael Chambers, Abram Gregory, and Peter Prettyman.

C. Describe the extent of your jury experience, if any.

None

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

Not applicable

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

*Burris v. Parke* (No. 97-1218) (Seventh Circuit Court of Appeals) (Brief of Appellee filed April 3, 1997)

*Indiana Bell Telephone Co. v. Indiana Utility Regulatory Comm'n* (93S02-9906-EX-350) (Indiana Supreme Court) (Brief of Appellee filed July 8, 1999)

*City of Kokomo v. Iseminger* (34A02-0701-CV-54) (Indiana Court of Appeals) (Brief of Appellants filed March 1, 2007)

*Marion County v. State of Indiana* (73A01-0705-CV-238) (Indiana Court of Appeals) (Brief of Appellants filed November 28, 2007)

***Clark-Pleasant Comm. School Corp. v. Indiana Dep't of Local Gov't Finance (49T10-0805-TA-37) (Indiana Tax Court) (Brief of Amicus Curiae filed July 7, 2008)***

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

**Not applicable**

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

***The Ninth Amendment's Role in the Evolution of Fundamental Rights Jurisprudence, 64 IND. L.J. 97 (1988) (concluding that Ninth Amendment to federal Constitution is merely a principle of construction and not a source of judicial authority with which courts can locate unspecified constitutional rights)***

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

**Copies of the following written materials are attached to this application:**

***Burris v. Parke*, Brief of Appellee (Tab B)**

***Indiana Bell Telephone Co. v. Indiana Utility Regulatory Comm'n*, Brief of Appellee (Tab C)**

***City of Kokomo v. Iseminger*, Brief of Appellants (Tab D)**

***Marion County v. State of Indiana*, Brief of Appellants (Tab E)**

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

**I volunteer for *Indy Homeless Connect* to provide free legal services to the homeless in central Indiana. In addition, I recently represented a Gary firefighter on appeal in a dispute with his ex-wife over whether he had paid in full his admitted child-support arrearage. And I recently represented a first-time homeowner in a contract dispute against the seller over who was liable for a property-tax liability arising while the seller still owned the property.**



F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

**Burris v. Parke (Seventh Circuit Court of Appeals).** This was the first death-penalty case I worked on. I served as the State's lead lawyer throughout the habeas-corpus proceedings in the federal appellate courts. Just hours before Mr. Burris was scheduled to die, the federal appeals court in Chicago granted an emergency stay of execution. Over the next two years, Mr. Burris would receive two hearings before the full (*en banc*) appeals court, further merits review in the district court, another appeal to a panel of the Seventh Circuit, and come within one vote of having the Supreme Court of the United States hear his case. Not until I worked on the *Burris* case did I appreciate how very difficult these cases are for everyone in the courts and the criminal-justice system. The public may sometimes grow weary of prolonged, expensive capital litigation. But when a man's life is at stake, our system rightly ensures that the condemned man receives all the legal process he is due.

**Indiana Bell Telephone Company v. Indiana Utility Regulatory Commission (Indiana Supreme Court).** This case involved the proposed (and eventual) \$62 billion merger of San Antonio-based SBC Communications and Chicago-based Ameritech. At issue was the Commission's jurisdiction to review this transaction under which SBC would acquire effective control of Indiana Bell's telecommunications assets. As the Commission's lead lawyer, I was principally responsible for the briefing and oral argument for the State. Because of the urgency of the issue, in only a matter of weeks, the case went from an administrative ruling before the IURC to full briefing, oral argument, and written decision in the Supreme Court. At the time, there was considerable public interest in the jurisdictional issue, and I believe this was the first oral argument our Supreme Court simulcast over the internet. A divided Court held that the Commission lacked jurisdiction over the transaction. To my knowledge, subsequent efforts to amend the Commission's enabling statute have been unsuccessful.

**Marion County and St. Joseph County v. State of Indiana (Indiana Court of Appeals).** The principal issue in this constitutional challenge was whether the State can lawfully charge counties one-half the cost of incarcerating juvenile offenders committed to the Indiana Department of Correction, in light of a state constitutional provision requiring that the "General Assembly shall provide" such facilities. I was a private practitioner in this case and served as the counties' lead lawyer in the trial court and on appeal. Ten of millions of dollars were at stake just for these two plaintiffs. Although the court of appeals ultimately rejected the counties' constitutional challenge, the legislature amended the statute while the case was still pending to require the State to pay 100 percent of the cost of juvenile incarceration.

Hovey v. Hovey (Indiana Court of Appeals). I undertook this *pro bono* representation on behalf of a Gary firefighter who claimed he had repaid in full the child-support arrearage once owed to his ex-wife. Mr. Hovey lost his case in the appellate court, and the Supreme Court denied transfer on the arcane procedural issue on which he petitioned the Court, so the adverse appellate decision was certified as final. This was the first *pro bono* case I worked on involving a significant commitment of time. In the process, I learned the importance of ensuring that quality legal services are available to the large (and increasing) number of our citizens unable to afford them.

KB Home v. Rockville (Indiana Court of Appeals). At issue in this toxic-tort case was whether the former owner of property identified as the source of environmental contamination was liable to a subsequent purchaser of adjoining property under theories of negligence, nuisance, and trespass. Our firm represented the defendant and sought to affirm the trial court's entry of summary judgment on all counts. I did not enter my appearance in this case until long after it was fully briefed, and I was brought into the case unexpectedly when the court of appeals, unsolicited, set the matter for oral argument. The court heard argument earlier this month on June 2, 2010. Its decision affirmed the entry of summary judgment for the defendants on the nuisance and trespass claims, but reversed and remanded the negligence claim for trial, concluding that the economic-loss doctrine did not bar the plaintiffs' claim. I understand from my environmental-law colleagues that it has been many decades since Indiana last published an environmental case on the availability of nuisance and trespass causes of action under these circumstances. This case has particular significance for me because my colleagues had enough confidence in my skills as an oral advocate that they turned to me—not an environmental lawyer—to argue these important questions to our appellate court.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Stanley C. Fickle  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3535  
(317) 231-7240

Peter J. Rusthoven  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3535  
(317) 231-7299



**Maggie L. Smith  
Frost Brown Todd LLC  
201 North Illinois Street, Suite 1900  
Indianapolis, Indiana 46204-4236  
(317) 237-3223**

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

**I recently became a life fellow and board member of the Indiana Bar Foundation, the fundraising arm of the Indiana State Bar Association. Two key programs the Foundation helps to underwrite are civics education and access to justice for all citizens.**

**For more than ten years, I have been a member of the Northern District of Indiana's local rules advisory committee. The committee, which consists of lawyers, judges, and a law professor, helps to write and update the rules governing the practice of law in that court.**

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

**For nearly fifteen years, I have volunteered and served as a judge for "*We the People . . .*," a nationally sponsored program for teaching civics education to high-school seniors and, recently, to middle- and elementary-school students. Just this year, I had the pleasure of judging the national competition in Washington, D.C. It was gratifying to see top students from around the country displaying a remarkable grasp of constitutional principles and doing so with an infectious enthusiasm for their subject.**

**For several years I have been a board member of the Indianapolis lawyers' chapter of the Federalist Society for Law and Public Policy Studies. And since 2007, I have served as the chapter president. The Federalist Society is a debating society whose members consist principally, but not exclusively, of conservative and libertarian lawyers who meet monthly over the lunch hour to discuss the role of courts in our constitutional system. As president, I am responsible for selecting program topics and scheduling speakers to address our chapter.**

**And for the last five years, I have judged the American Legion's national oratorical competition, held each year in Indianapolis. This competition among high-school seniors involves timely topics under the United States Constitution and provides college scholarships to the winning participants.**

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

**Member, Board of Directors, Irvington Community School, Inc. (charter school, east side of Indianapolis) (since January 2010)**

**Member, Local Leadership Board, American Lung Association of Indiana (since 2009)**

**Member, Board of Visitors, Indiana University Maurer School of Law (since 2007)**

**President, Alumni Board, Indiana University Maurer School of Law (2005-06)**

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

**Member, Executive Committee, Appellate Practice Section, Indianapolis Bar Association (since 2010)**

**Member, *Amicus Curiae* Committee, Appellate Practice Section, Indianapolis Bar Association (2008-09)**

**Member, Seventh Circuit Bar Association (since 2005)**

**Member, Appellate Practice Section, Indiana State Bar Association (since 2002)**

**Member, United States Supreme Court Historical Society (since 1994)**

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

**University Club of Chicago (no restrictions on basis of race, sex, religion, or national origin)**

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

**Not applicable**

G. Describe your hobbies and other leisure activities.

**Tennis, reading, gardening, Chicago Cubs**

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

**Jackie M. Bennett, Jr.  
Taft Stettinius & Hollister LLP  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204-2023  
(317) 713-3444**

**Jon B. Laramore  
Baker & Daniels  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
(317) 237-8248**

**Linda L. Pence  
Pence Hensel LLC  
135 North Pennsylvania Street, Suite 1600  
Indianapolis, Indiana 46204  
(317) 833-1100**

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

**David J. Hensel  
Pence Hensel LLC  
135 North Pennsylvania Street, Suite 1600  
Indianapolis, Indiana 46204  
(317) 833-1101**

**Honorable Debra McVicker Lynch  
United States District Court  
Birch Bayh Federal Building and  
United States Courthouse  
46 East Ohio Street, Room 277  
Indianapolis, Indiana 46204  
(317) 229-3630**

**Lauren K. Robel, Dean  
Indiana University Maurer School of Law  
Law Building 240  
211 South Indiana Avenue  
Bloomington, Indiana 47405-7001  
(812) 855-8885**

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

**None**

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

**Not applicable**

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

**Illinois (since 1989)**

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

**Not applicable**

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

**Not applicable**

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

- C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

**Yes, without accommodation**

6/28/2010

DATE

*Geoffrey G. Slaughter*

APPLICANT'S SIGNATURE

*Geoffrey G. Slaughter*

PRINTED NAME

## WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

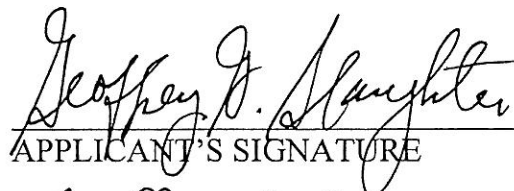
The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6/28/2010

DATE

  
APPLICANT'S SIGNATURE

Geoffrey G. Slaughter  
PRINTED NAME